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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,300	12/22/2005	Kyoji Kasuga	64634(48882)	3699

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EDWARDS ANGELL PALMER & DODGE LLP  
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BOSTON, MA 02205

EXAMINER
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KAYRISH, MATTHEW

ART UNIT	PAPER NUMBER
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2627

MAIL DATE	DELIVERY MODE
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11/26/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/562,300

**Applicant(s)**

KASUGA, KYOJI

**Examiner**

Matthew G. Kayrish

**Art Unit**

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 2-7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground of rejection.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 8 is rejected under 35 U.S.C. 102(b) as being anticipated by Nakazato et al (US Patent Number 6421311).

Regarding claim 8, Nakazato discloses:

An optical disc device (figure 1, item 1) that records information on and reproduces information from either of (I) a single disc or (II) a cartridge housing a disc (abstract) after the single disc (figure 19, item D) or the cartridge (figure 25, item K) is mounted on a mounting surface (figure 23, item 12 & 12a) of a tray (figure 23, item 11), and then the tray is loaded into a body of the optical disc device (figures 31 & 34);

Wherein the tray is provided with a mounting space capable of accommodating either one of a single disc mounting space or a cartridge mounting space (figures 19 & 25), which mounting space is formed according to the respective shapes of the single

disc and the cartridge to be mounted (figures 19 & 25), and the tray also is provided with a holding mechanism (figure 7, items 19 & 20) and a predetermined supporting point for the holding mechanism (figure 7, item 25), the holding mechanism holding one of the single disc or the cartridge (column 4, lines 21-32 & 48-53) in either a horizontal orientation or a vertical orientation in the respective mounting space (column 1, lines 21-24), said orientation defining a planar direction of the mounted single disc or cartridge (figures 19 & 25), and

The holding mechanism is structured and arranged to pivot around a predetermined supporting point in said planar direction (column 4, lines 21-32).

***Allowable Subject Matter***

Claims 2-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Claim 2 recites:

In order to mount the cartridge on the mounting surface in a cartridge mounting space, the holding mechanism is further provided with a cartridge restricting portion that has the same shape as at least a part of a front end of the cartridge as viewed in a loading direction to the tray, and a first cartridge thickness direction restricting portion that restricts movement of the cartridge in a cartridge thickness direction and that has

the same shape as at least a part of a front end of the cartridge as viewed in a loading direction to the tray.

Claim 6 recites:

In order to mount a cartridge on the mounting surface in a cartridge mounting space, the holding mechanism is further provided with a second cartridge thickness direction restricting portion that restricts movement of the cartridge in a cartridge thickness direction and that has the same shape as at least a part of a rear end of the cartridge as viewed in a loading direction to the tray.

These limitations are neither anticipated, nor rendered obvious by any prior art of record.

The closest reference, Nakazato et al, discloses a mounting space for both a cartridge and a disc, as well as holding structures, but the holding structures are designed to only hold a single one of the disc and the cartridge.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew G. Kayrish whose telephone number is 571-272-4220. The examiner can normally be reached on 8am - 5pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea Wellington can be reached on 571-272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Matthew G. Kayrish

11/20/2007

MGK



11/20

**Brian E. Miller /Brian E. Miller/  
Primary Patent Examiner AU2627**